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C O N F I D E N T I A L SECTION 01 OF 02 DHAKA 000132

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TAGS: [PGOV](#) [PHUM](#) [PREL](#) [KUIR](#) [PINR](#) [BG](#)
SUBJECT: JAMAAT PLEADS ITS CASE BEFORE AMBASSADOR

REF: DHAKA 38

Classified By: AMBASSADOR JAMES F. MORIARTY, FOR REASONS 1.4 (B) and (D)
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SUMMARY
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11. (C) On February 10, 2010, the Ambassador and Jamaat-e-Islami Assistant Secretary General Razzaq discussed the recent upsurge in student violence, the possible repeal of the 5th amendment, and the looming war-crimes trials. One of Bangladesh's leading barristers, Razzaq repeatedly stressed Jamaat's commitment to the Bangladesh Constitution and the rule of law. Razzaq contended that recent events had betrayed the government's lack of interest in the rule of law and highlighted its desire to crush the Jamaat-e-Islami.

Rajshahi University and Other Student Violence

12. (C) During a February 10 meeting arranged at his request, Jamaat-e-Islami Assistant Secretary General Barrister Abdur Razzaq joined the Ambassador in condemning recent student violence around Bangladesh that had left at least three people dead and injured scores of students, faculty and authorities. Razzaq described for the Ambassador a confrontation between student political groups at Rajshahi University in northwestern Bangladesh. According to Razzaq, the clash had started as a small incident in the early evening at a dorm between four male students, two from the Awami League-backed student group, the Chatra League, and two from the Jamaat-backed student group, Bangladesh Islami Chatra Shibir. Razzaq said the confrontation had led over 1,500 Chata Shibir to gather later in the evening. He said that the the Shibir students had reportedly gone on a rampage, killing one Chatra League member and shoving his corpse down a manhole. Chatra Shibir activists also alledgedly slit the tendons of a number of Chatra League members.

13. (C) Razzaq said Jamaat would cooperate fully in any investigation. He agreed the violence was "inhumane, regrettable, and indefensible." When asked whether the Government of Bangladesh should ban student political groups, Razzaq replied that Jamaat was prepared to work with the government on a ban, provided the government used proper legal procedures and applied the ban impartially. (Note: Embassy Dhaka will provide an update on the events at Rajshahi University and other university campuses in septel. End Note.)

5th Amendment and the Road Ahead (is it in the streets?)

14. (C) Turning to the reason he had sought the meeting, Razzaq provided his perspective on the recent judicial

decisions that repealed the Fifth Amendment of Bangladesh,s Constitution (reftel). The repeal of the Fifth Amendment paved the way for the government to outlaw religious-based political parties, including Jamaat. According to Razzaq, Bangladesh,s courts overreached, ruled on issues that were never raised in court, acted too quickly and did not allow more time for investigation. "The Appellate and High Courts were apparently in a rush," Razzaq said. He said no one knew when the courts would issue the details of their decision, which would provide the key to knowing whether religious political parties would be banned.

15. (C) Razzaq said Jamaat believed in "the Constitutional path" and would abide by the court's decision. If Bangladesh banned religious-based political parties, Jamaat would emulate the response of religious-based political parties in Turkey. Jamaat would rename itself and remove religious tenets from its Constitution, but would at the same time challenge the ruling in court. According to Razzaq, a ban on religious parties would cost Jamaat some money that was tied to bank accounts and trusts in the party,s name, but the party would survive. Razzaq said it would be a wound, but a wound that could be healed.

16. (C) Razzaq added that it would be disappointing -- and potentially dangerous -- if the government silenced the voices of moderation in this way. He also opined that Bangladesh,s judges made the decision based on affiliations with the Awami League government, rather than in accordance with constitutional law. If the government tried to control democracy) if it "closes democratic avenues") then it was breeding the discontent that led to the September 11 attacks

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in the United States, Razzaq said. The 9/11 terrorists did not come from democratic countries, but autocratic ones. By fighting Jamaat, which was a democratic organization in belief and practice, Razzaq claimed the government would foster an autocratic nation without constructive mechanisms for dissent.

17. (C) Razzaq said that Jamaat's alliance partner, the Bangladesh Nationalist Party, had not officially commented on 5th amendment matters. In response to the Ambassador's question whether the Bangladesh Nationalist Party would go to the streets soon, Razzaq replied that he thought this unlikely. Razzaq added that he believed the Bangladesh Nationalist Party should be active in Parliament, and that Jamaat was "ready to cooperate with this government."

War Crimes Trials

18. (C) Razzaq asked the Ambassador about the upcoming war crimes trials. The Ambassador replied the government seemed determined to go forward with the trials but appeared uncertain as to how to proceed. Both Razzaq and the Ambassador agreed that the 1973 international tribunals act might not meet international standards. Razzaq said that for the trials to be acceptable, this law would have to be amended or a new law would have to be passed.

19. (C) Razzaq said there were three problems with raising the issue of war crimes trials: 1.) This was already a settled issue and there was no need to reopen it; 2.) this had been brought back for political reasons; and 3.) the current law fell far below international standards. However, if the law was revised, Jamaat would not object to the government going forward.

Comment

10. (C) As with the Embassy's previous meetings with Razzaq, he again proved himself to be a persuasive spokesman for his party. The Ambassador was able to take advantage of this

meeting to lay down a marker on Shabir's use of violence. As the Government of Bangladesh increases the pressure on Jamaat, hardliners in his party may not live up to Razzaq's claim that the party would accept the rule of law. The Jamaat currently faces its greatest challenge since 1971. There is little doubt that hardline elements within the ruling party believe that the time is right to crush Jamaat and other Islamic parties.

MORIARTY